

Amendment No. 1 to SB1282

Crowe
Signature of Sponsor

AMEND Senate Bill No. 1282

House Bill No. 1511*

by deleting all language after the enacting clause and substituting the following:

SECTION 1. Tennessee Code Annotated, Title 71, Chapter 2, Part 1, is amended by adding the following as a new section:

(a) The commission shall establish a licensure program to regulate small residential homes that provide private living space in private residences for up to four (4) elderly persons inside a community setting, and that provide basic support services to assure independent living.

(b) Persons who operate small residential homes shall:

(1) Provide to the residents:

(A) Room and board;

(B) Meals sufficient to meet acceptable or prescribed dietary standards; and

(C) Limited management support with the self-administration of medication, including assistance in reading labels, opening dosage packaging, reminding residents to take their medications, and observing the resident while taking medication; and

(2) Enter into a written agreement with persons prior to moving into the small residential home. The agreement must include the:

(A) Type of support services provided;

(B) Cost of residential care, including support services; and

(C) Procedures for resident transfers or discharges to ensure that residents are appropriately cared for and their rights are not violated.

(c) Small residential homes licensed under this section shall not admit or retain a person:

(1) Whose needs cannot be safely and effectively met at the home because the person:

(A) Requires professional medical or nursing observation or care on a continual or daily basis;

(B) Cannot self-administer medications; or

(C) Requires physical or chemical restraints, excluding psychotropic medications prescribed for a manageable mental disorder;

(2) With active, infectious, and reportable diseases that require contact isolation; or

(3) Who exhibits aggressive verbal and physical behavior that poses an imminent physical threat to the person or others in the assessment of the owner or operator of a small residential home.

(d) If the resident of the small residential home, or the resident's legal representative, treating physician, or the owner of the home, determine that the home can no longer meet the resident's needs, including the need for medical services, then the resident must be transferred to an appropriate setting.

(e)

(1) No more than two (2) residents may share a bedroom in a small residential home, with privacy screens or curtains to be provided upon the request of either resident in the bedroom.

(2) Resident rooms in small residential homes must be capable of being unlocked by the resident at all times.

(3) Bathrooms located in small residential homes must serve no more than three (3) residents.

(f)

(1) A person shall not be employed, or otherwise provide direct care to residents, at a small residential home:

(A) Until the person has successfully completed a comprehensive criminal history background check, in accordance with § 71-2-111;

(B) If the person has been convicted of a criminal offense involving the abuse or intentional neglect of an elderly or vulnerable adult; or

(C) If the person is listed on:

(i) Any adult abuse registry maintained for any state in which the person has lived in the previous seven (7) years; or

(ii) The department of health's elder abuse registry established pursuant to title 68, chapter 11, part 10.

(2) Subdivision (f)(1) does not prevent visits by licensed home healthcare professionals to provide health care to residents at small residential homes on a limited basis.

(g)

(1) A small residential home shall not open until:

(A) The home is licensed under this section;

(B) The commission, or an agent acting on the commission's behalf, has completed an inspection of the home; and

(C) Criminal history background checks have been completed as prescribed in subdivision (f)(1)(A).

(2) The commission or an agent acting on the commission's behalf shall conduct onsite monitoring visits of homes at least once annually.

(h)

(1) A license issued under this section expires on the biennial anniversary date of its issuance and is invalid on such anniversary date unless renewed.

(2) The commission shall set the initial licensure fee and the biennial renewal fee by rule.

(3) Owners or operators of small residential homes licensed under this section shall relinquish the license to the commission within thirty (30) days after the license has been suspended or revoked.

(i) The commission may refuse to issue or renew, or suspend or revoke, a license under this section, if the commission finds that the applicant or licensee:

(1) Has made a material omission or misrepresentation of fact on an application for a license;

(2) Has failed to furnish information to the commission concerning an application for licensure as required by this section or by rule;

(3) Lacks competence to operate a small residential home;

(4) Has been convicted of a felony, is untrustworthy, or is not of good character; or

(5) Has violated this section or is performing, or attempting to perform, any act prohibited by this section.

(j) The commission shall promulgate rules to effectuate this section. Such rules may include, but are not limited to, the expansion or reduction of requirements, restrictions, and qualifications for licensure and the assessment of civil penalties for violations of this section. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 2. For the purpose of promulgating rules, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect July 1, 2023, the public welfare requiring it.